



**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**County of Kings**  
1426 South Drive, Hanford, CA 93230  
(559) 582-1010

THERE WILL BE ABSOLUTELY NO REFUNDS OR EXCHANGES ON  
THE PURCHASE OF SUPERIOR COURT FORMS OR PACKETS

**Unlawful Detainer**  
**Packet Purchase Price: \$10.00**

Landlords must follow all of California's state laws and any applicable local laws. They must take certain steps to evict a tenant.

A way to do this is to have an Unlawful Detainer proceeding. A landlord can regain possession of the property, if a tenant is staying there against the law.

The Court will require the same adherence to all of the laws of the State and California Rules of Court, as if you were represented by an attorney.

Personnel in the Clerk's office have been instructed **not to file** any papers which are not properly completed. Please do not ask our clerks to give you legal assistance or advice, as they are not permitted to, nor will they assist in completing any forms. The Clerk of the Court and his deputies are prohibited by law from rendering legal assistance or advice in court proceedings (Sec. 24004 & 68082 Gov. code). Persons appearing in their own behalf are responsible for preparing and presenting their pleadings in complete and proper form without legal assistance from deputies of the Superior Court Clerk's office. Questions pertaining to legal matters or the proper completion of the appropriate forms should be answered by an attorney.

**Some assistance may be obtained from:**

- ☒ **Kings County Superior Court** web site at <http://www.kings.courts.ca.gov>.
- ☒ **Self-Help Center** located online at [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov). Judicial Council forms of California can be accessed, filled in, and printed at this web site.
- ☒ A **typing or paralegal service**. A list of these services can be obtained from this office.
- ☒ For definitions of codes of civil procedures, civil codes, etc. the official California Legislative information website <http://www.leginfo.ca.gov>

**Filing fee for Complaint:**

Amount demanding is less than \$ 10,000.....	\$ 195.00
Amount demanding is over \$ 10,000 less than \$ 25,000.....	\$ 315.00
Amount demanding is over \$ 25,000.....	\$ 320.00

**Post Judgment fees:**

Writ of Possession.....	\$ 15.00
Writ of Execution.....	\$ 15.00

# **UNLAWFUL DETAINER**

**(INSTRUCTIONS FOR THE PLAINTIFF)**

## **7 STEPS:**

**STEP 1. SERVING NOTICE TO THE TENANT(S)**



**STEP 2. COMPLETING THE UNLAWFUL DETAINER PAPERWORK**



**STEP 3. FILING THE FORMS**



**STEP 4. SERVING THE DOCUMENTS**



**STEP 5. FILING THE PROOF OF SERVICE**



**STEP 6. IF THE TENANT(S) FAIL TO RESPOND**



**STEP 7. RIGHT TO A COURT TRIAL.**

## STEP 1. SERVING NOTICE TO THE TENANT(S).

Before the landlord can bring court action to evict the tenant(s), the tenant(s) must have been properly (officially) served with a **3-day Notice to Quit**, **3-day Notice to Pay Rent or Quit** or **30-day/60-day Notice to Terminate Tenancy**, and failed to obey the notice.

- **3-day Notice to Quit** (tenant has broken rental agreement)
- **3-day Notice to Pay Rent or Quit** (tenant is behind in the rent)
- **30-day Notice to Terminate Tenancy** (tenant has not broken the lease and lived on the property under a year)
- **60-day Notice to Terminate Tenancy** (tenant has not broken the lease and lived on the property over a year)

## STEP 2. COMPLETING THE UNLAWFUL DETAINER PAPERWORK.

### FORMS THAT ARE INCLUDED IN THIS PACKET:

FORM NUMBER	FORM NAME	Last revised on:	# of pages:
Local form	<a href="#">Three Day Notice to Pay Rent or Quit</a>		1
Local form	<a href="#">Proof of Service of a Three Day Notice to Pay Rent or Quit</a>		1
CM010	<a href="#">Civil Case Cover Sheet</a>	01-01-06	2
UD100	<a href="#">Complaint – Unlawful Detainer</a>	07-01-05	3
SUM130	<a href="#">Summons – Unlawful Detainer-Eviction</a>	01-01-04	2
POS010	<a href="#">Proof of Service of Summons</a>	01-01-04	2
Forms served blank:			
CP10.5	<a href="#">Prejudgment Right of Claim to Possession</a> (per CCP 415.46- this form must be served by a licensed process server or sheriff)	01-01-91	2
982.1 (95)	<a href="#">Answer – Unlawful Detainer</a> (served blank on each defendant)	01-01-97	2
Forms used after service time has expired and no answer was filed:			
982 (a) (6)	<a href="#">Request for Entry of Default</a>	02-18-05	2
UD116	<a href="#">Declaration for Default Judgment by Court</a>	07-01-03	3
UD110	<a href="#">Judgment – Unlawful Detainer</a>	01-01-03	2
EJ130	<a href="#">Writ of Execution / Possession</a>	01-01-06	2
Form used when an Answer is filed:			
UD150	<a href="#">Request/Counter-Request to Set Case for Trial</a> (Unlawful Detainer)	01-01-05	2

*All pleadings and papers must be TYPED or LEGIBLY HANDWRITTEN in blue or black ink.*

## STEP 3. FILING THE FORMS

### MAKE COPIES OF THESE FORMS

The court will keep the original. **Make enough copies-** one to serve on each defendant. Make one complete set for your records. For example, if there are three defendants named, you would need (1) original and (4) copies of the following;

- Form UD100, **Complaint – Unlawful Detainer** (3 pages)
- Form SUM-130, **Summons – Unlawful Detainer** (2 pages)
- Form CP10.5, **Prejudgment Right of Claim to Possession** (2 pages)
- Form 982.1 (95), **Answer – Unlawful Detainer** (2 pages) Leave this form blank – it will be served on the defendants.

### SUBMIT FORMS & FILING FEES TO THE CLERK:

- Submit to the Clerk the *original* **Civil Case Coversheet, Complaint, and Summons** and the correct number of copies, (1) for you, and (1) for each defendant named.
- The clerk will stamp the blank **Answer** and **Prejudgment** forms with case number and return.
- The clerk will keep the original **Civil Case Coversheet** and **Complaint** and will return the conformed copies to you.
- You will then be asked to pay the court's filing fee (which can be paid by cash or check).

## 4. SERVING THE DOCUMENTS

### FORMS SERVED TO EACH DEFENDANT:

Have the Defendant served with a stamped "Endorsed-Filed" copy of each of the following forms:

- Form UD100, **Complaint – Unlawful Detainer** (3 pages)
- Form SUM130, **Summons – Unlawful Detainer** (2 pages)
- Form CP10.5, **Prejudgment Right of Claim to Possession**\* (2 pages) This form will be served blank – it is to be completed by any tenants not named in the original Complaint. (see CCP 415.46 for special service instructions)
- Form 982.1 (95), **Answer – Unlawful Detainer** (2 pages) This form will be served blank – it is to be completed by the defendant.

Note: these documents must be served by someone other than you, who is over 18, and is not a party to the action (such as a neighbor, process server, sheriff, etc.)

## 5. FILING THE PROOF OF SERVICE

### HAVE THE PROCESS SERVER COMPLETE THE “PROOF OF SERVICE” FORM:

The person who serves the documents must fill out and sign the Proof of Service form (POS-010), listing every document that was served (including the blank forms). Submit the original and a copy as to each defendant to the court clerk to be conformed for your records.

Form POS-010, **Proof of Service of Summons** (2 pages)

- A separate proof of service for each defendant must be submitted.
- If the defendant is served by substitute service, a copy must also be mailed. A separate declaration of diligence is also required to be filed.

Note: the court requires three attempts at service on separate days at separate times.

## 6. IF THE TENANT(S) FAIL TO RESPOND

**CCP 1167.** The tenant has five (5) days (if personally served) after being served with the Summons and Complaint to vacate (leave) the property or to file an Answer with the court. (The tenant has an additional ten days (total of 15 days) from mailing date to respond, if substitute service is performed- CCP 415.20(b)).

If the tenant fails to respond, the plaintiff may request a default judgment. There are two options for filing the default judgment:

1. A Request for Clerk's Judgment (possession of the premises only).
  - a. Form 982(a)(6) – **Request for Entry of Default** and Clerk's Judgment
  - b. Form UD110 – **Judgment-Unlawful Detainer**
  - c. The benefit of a Clerk's Judgment is that it will be processed immediately, allowing you to issue your writ that day. A Court Judgment can be submitted at a later date, for monetary judgment, if necessary.
2. A Request for Court Judgment (possession of the premises as well as a monetary judgment):
  - a. Form 982(a)(6) – **Request for Entry of Default** and Court Judgment
  - b. Form UD 116– **Declaration for Default Judgment by Court**
  - c. Form UD110 – **Judgment-Unlawful Detainer**
  - d. A Court Judgment will have to be submitted to a Judicial Officer for review and signature, before a writ can be issued.

Upon receiving judgment the plaintiff may provide the following to be issued:

1. **Writ of Possession Real Property** Form EJ130
  - a. Fee for issuance \$15.00.
  - b. This is a non-monetary request.
  - c. The Sheriff's Department will post a *Notice to Vacate* on the property (an additional fee is required by the Sheriff for this service).
  - d. If the tenant fails to move out by the lockout date, the sheriff will take possession of the property.
2. **Writ of Execution** Form EJ130
  - a. Fee for issuance \$15.00.
  - b. This is a monetary (money) request only, you can use this to attach wages, bank accounts, etc.

## 7. RIGHT TO A COURT TRIAL

Both parties have the right to a court trial, although there will be no trial if a timely written response to the unlawful detainer complaint is not filed. To request a court trial, the requesting party must file an ***Request/Counter-Request to Set Case for Trial (Unlawful Detainer)*** (form UD150)

Upon filing the ***Request/Counter-Request to Set Case for Trial*** (form UD150), the court will hold it for 5 days, allowing the other party to file a ***Counter-Request to Set Case for Trial*** (form UD150). On the sixth day, the court will then set a trial date for no more than 20 days from the original filing date of the ***Request/Counter-Request to Set Case for Trial***. Any unavailable dates must be listed on your ***Request*** or ***Counter-Request to Set Case for Trial***.